

REMARKS

Claims 14-16, 24, 25 and 27-31 are pending in this application. By this Amendment, claims 14-16 are amended, claims 19 and 20 are canceled without prejudice to or disclaimer of the subject matter recited therein, and claim 31 is added. Claim 14 is amended to incorporate features recited in claim 16. No new matter is added. Reconsideration of the application is respectfully requested.

The Office Action rejects claims 14-16, 24, 25 and 27-30 under 35 U.S.C. §103(a) over JP 2001-30449 to Fujikawa et al. (Fujikawa) in view of U.S. Patent No. 3,864,910 to Mechin. This rejection is respectfully traversed.

Claim 14 recites a counterbalance valve disposed between the travel motion motor and the travel motion control valve, which is controlled by a travel pressure output from the hydraulic pump.

The Office Action admits that Fujikawa does not teach or suggest this feature but alleges that Mechin discloses this feature. The Office Action asserts that it would have been obvious to a person skilled in the art to modify the system of Fujikawa by replacing the reversible pump of a closed loop with a travel motion control valve and a counterbalance valve as taught by Mechin for the purpose of controlling fluid flow between the pump and travel motion motor. However, this assertion is incorrect.

Fujikawa only discloses a closed hydraulic circuit as clearly shown in Fig. 1, and as previously discussed in the Remarks of the October 2, 2006 Amendment. See also paragraph [0031] of Fujikawa. Because the device of Fujikawa has a closed hydraulic circuit, a certain amount of hydraulic oil flows through the closed hydraulic circuit. Accordingly, when the vehicle travels downhill, the rotation rate of the hydraulic motor may become large, and the rotation rate of the engine that drives the hydraulic pump becomes large. Then, the engine brake acts. Although Fig. 1 of Fujikawa does not show the engine that drives the hydraulic

pump, it is obvious that the engine is required. It is also obvious that the engine brake acts, and that the engine brake is utilized to lower down the rotational speed of the hydraulic motor.

Because the engine brake acts in the device of Fujikawa, a counterbalance valve would not be necessary. In particular, in the closed hydraulic circuit, normally the counterbalance valve is not provided. If the counterbalance valve, such as one disclosed by Mechin, which discloses an open hydraulic circuit, is forcibly put into the closed hydraulic circuit as disclosed by Fujikawa, an extremely complicated circuit is required. Therefore, one of ordinary skill in the art would not have been motivated to combine Fujikawa and Mechin to provide a counterbalance valve of an open hydraulic circuit as taught by Mechin into the closed hydraulic circuit as disclosed by the Fujikawa.

Therefore, Applicants respectfully submit that claim 14 is patentable over Fujikawa and Mechin.

Claims 15, 16, 24, 25 and 27-31 are allowable at least for their dependence on claim 14, as well as for the additional features they recite. Therefore, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 24 and 25 under 35 U.S.C. §103(a) over Fujikawa in view of Mechin, and further in view of JP 01-116371 to Takehisa et al. (Takehisa). This rejection is respectfully traversed.

Takehisa is merely relied on as teaching a system for controlling the speed change of a variable pump and variable motor system, wherein the speed change is controlled to be gradual. Therefore, Takehisa does not overcome the deficiency of Fujikawa and Mechin as discussed above. Thus, claims 24 and 25 are allowable at least for their dependence on claim 14, as well as for the additional features they recite. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claim 19 under 35 U.S.C. §103(a) over U.S. Patent No. 6,339,929 to Udagawa et al. (Udagawa) in view of JP 06-193730 to Kazuhiro et al. (Kazuhiro); and rejects claim 20 under 35 U.S.C. §103(a) over Udagawa in view of Kazuhiro, and further in view of Takehisa.

These rejections are moot because claims 19 and 20 are canceled by this Amendment. Therefore, withdrawal of these rejections is respectfully requested.

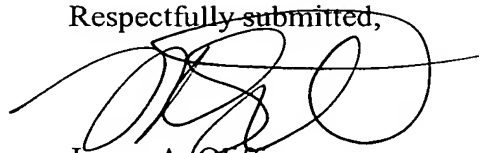
New claim 31 recites that the over rotation prevention device adjusts an extent to which the displacement volume of the travel motion motor is increased, in correspondence to a type of a front attachment mounted on the hydraulically driven vehicle. This feature is supported in the specification at, for example, page 28, line 20-page 29, line 2.

Claim 31 is allowable at least for its dependence on claim 14, as well as for the additional feature it recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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